REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I.   STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-3 are currently pending. Claims 1 and 3, which are independent, are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed, specifically at paragraphs [0029], [0085]-[0097] and [0144] of Applicant's corresponding published application. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II.   REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1 and 3 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Number 6,339,676 B1 to Amada et al. (hereinafter, merely "Amada") in view of U.S. Patent Number 6,075,920 to Kawamura et al. (hereinafter, merely "Kawamura").

Claims 2 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Amada in view of Kawamura, and further in view of U.S. Patent Number 6,788,881 B1 to Kuroiwa et al. (hereinafter, merely "Kuroiwa").

III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

"...wherein said data forming means sets said number of channels
of said second audio data to a fixed value **independent of change
of said number of channels of said first audio data during
recording process**..." (Emphasis added)

Applicant submits that neither Amada nor Kawamura, taken alone or in
combination, that would teach or suggest the above identified features of claim 1. Specifically,
neither of the references used as a basis for rejection describe said data forming means sets said
number of channels of said second audio data to a fixed value **independent of change of said
number of channels of said first audio data during recording process**, as recited in claim 1.

Specifically, the Office Action (see page 3) asserts that Amada teaches the
number of channels is set to a fixed value, and refers to col. 4, line 1-16, which is reproduced as
follow:

In the figure, a luminance signal component and a chrominance signal
component of an analog video signal fed from the input terminal 11 undergo FM
modulation and down conversion, respectively, by means of the analog video
recording signal processing circuit 12, and resulting signals are added together
so as to be converted into an analog video recording signal SR1. On the other
hand, audio signal components of left/right or main/sub two channels of an
analog audio signal fed from the input terminal 21 are each subjected to FM
modulation by means of the analog audio recording signal processing circuit 22,
and resulting signals are added together so as to be converted into an analog
audio recording signal SR2. FIG. 2 illustrates examples of bands of the analog
video recording signal SR1 and the analog audio recording signal SR2 at
sections (A) and (B), respectively. (See, Amada, col. 4, line 1-16)

Thus, Amada describe audio signal components of left/right or main/sub two channels of an analog audio signal, but nothing teaches that the number of channels is independent of the change of channel number.

However, Applicant submits that in the present invention, paragraphs [0029], [0085]-[0097] and [0144] describe that the number of channels of the second audio data is set independent of change of number of channels of the first audio data, and are reproduced as follow:

[0029] In the embodiment of the invention, the number of channels of the audio data which is handled in the auxiliary AV data is fixed to 8 channels. That is, for example, the number of channels of the audio data in the auxiliary AV data is set to 8 channels and, assuming that in the audio data of the main line system mentioned above, even in the case where either 0 channel or 4 channels is selected as recording channels or the case where the number of input channels is further smaller than that of the selected recording channels, the number of channels of the audio data in the auxiliary AV data is equal to 8 channels. If the number of recording channels of the audio data of the main line system is less than 8 channels, the audio data showing the silence is recorded into the residual channels of the audio data in the auxiliary AV data (that is, the channels which do not correspond to the channels of the audio data of the main line system).

[0085] In the embodiment of the invention, if a predetermined change is detected in the bundle of data constructing the clip for a time interval from the start of the photographing to the stop thereof, the clip is divided at the position corresponding to the change detecting position and the data after the dividing position is set to a new clip. A new directory corresponding to the new clip is automatically formed for the directory CLPR. A bundle of data constructing the new clip is stored into the formed directory.

[0086] The clip division is executed in the case where a change in signal kind (format) is detected in one of the video data and the audio data constructing the clip. More specifically speaking, the following examples are considered as dividing conditions. First, with respect to the video data, there are the following conditions…

[0092] With respect to the audio data, there are the following conditions.

[0093] (1) change in bit resolution
[0094] (2) change in sampling frequency
[0095] (3) change in the number of input channels
[0096] (4) change in encoding system

[0097] When the change is detected in one of them, the clip is automatically divided in the position corresponding to the timing when the change is detected.

At this time, if the change is detected in certain data, another data belonging to the same clip as that of this data is also divided at the same timing.

[0144] As mentioned above, according to the embodiment of the invention, <u>the audio data in the auxiliary AV data is always handled as audio data of 8 channels irrespective of the number of channels of the audio data of the main line system</u>. In the auxiliary AV data converting unit 48, if the number of channels of the audio data which is supplied from the data amount detecting unit 42 is less than 8 channels, the audio data showing the silence is formed and encoded together with the video signal for the residual channels. The audio data indicative of the silence can be formed by, for example, storing one sample of the audio data showing the silence into, for example, the memory or the like and repetitively reading it out as mentioned above.

Thus, **in the present invention,** the audio data in the auxiliary AV data is always handled as audio data of 8 channels irrespective of the number of channels of the audio data of the main line system, *i.e.,* **the number of channels of said second audio data is set to a fixed value even when the number of channels of said first audio data changes during recording process**.

Nothing has been found in Amada that teaches <u>said data forming means sets said number of channels of said second audio data to a fixed value **independent of change of said number of channels of said first audio data during recording process**</u>, as recited in claim 1.

Furthermore, this deficiency of Amada is not cured by the teaching of Kawamura.

Therefore, Applicant submits that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claim 3 is also patentable.

IV.   DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same

reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

U.S. Appln. No. 10/517,862
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PATENT
Attorney Docket No. 450100-05035

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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11 of 11

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